IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 16061 of 2007(K)

PETITIONER:

IBRAHIM KUTTY, THANNICKAL HOUSE,
ELIPPAKULAM, KATTANAM VILLAGE, MAVELIKKARA.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS:

---

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDHUTHA BHAVAN,
THIRUVANANTHAPURAM.

2. ADDITIONAL DISTRICT MAGISTRATE,
ALAPPUZHA.

3. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, OACHIRA.

4. ASSISTANT ENGINEER, ELECTRICAL SECTION,
KRISHNAPURAM.

5. ABDUL AZEEZ, NEDUVELIL HOUSE,
KATTANAM VILLAGE, ELIPPAKKULAM MURI.

BY ADV. SHRI.P.P.THAJUDEEN, SC
ADV. SMT.M.K.PUSHPALATHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 16061 of 2007

Dated, this the 13th day of June, 2007

J U D G M E N T

Petitioner's case is that electric line can be drawn from beneficiary's old house, which is located close to the new house where he wants new connection. However, I do not think there is any scope for interference because learned Standing Counsel submitted that line proposed and approved by the ADM is passing over a pathway, which belongs to one Smt.Shereefa Beevi, who has given consent. Petitioner appears to claim title over the pathway, which is pending before the civil court. Unless petitioner establishes title over the pathway, petitioner cannot raise objection in drawing line over the pathway. If petitioner gets title over the pathway, I leave freedom to the petitioner to ask for shifting of the line and if another line is available in beneficiary's own property, then I see no reason why the line should be shifted and connection retained to the beneficiary. This WP(C) is accordingly closed.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg